

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DAVID, previously and legally known as  
David J. Forjan, formerly known as David J.  
Forjan,

Plaintiff,

-v-

3:19-CV-64  
(DNH/DEP)

THE U.S. ENVIRONMENTAL PROTECTION  
AGENCY; ANDREW WHEELER, Acting  
Administrator, U.S. EPA; RICHARD KEIGWIN,  
JR., Director, U.S. EPA Office of Pesticide  
Programs; and PETER D. LOPEZ, Regional  
Administrator, U.S. EPA,

Defendants.  
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APPEARANCES:

DAVID  
Plaintiff pro se  
2633 State Route 17C  
Barton, NY 13734

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Pro se plaintiff David, previously and legally known as David J. Forjan, and formerly known as David J. Forjan, brought this civil action against the United States Environmental Protection Agency and three high ranking officials employed by that agency. On January 29, 2019, the Honorable David E. Peebles, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's complaint be dismissed but that he be granted leave to replead. Plaintiff has filed timely objections to the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted in part and rejected in part. See 28 U.S.C. § 636(b)(1). Generally, when the court dismisses a pro se complaint sua sponte, the court should afford the plaintiff the opportunity to amend at least once; however, leave to re-plead may be denied where any amendment would be futile. Ruffolo v. Oppenheimer & Co., 987 F.2d 129, 131 (2d Cir. 1993). Here, any amendment would be futile and no amendment will be permitted. The complaint will be dismissed in its entirety.

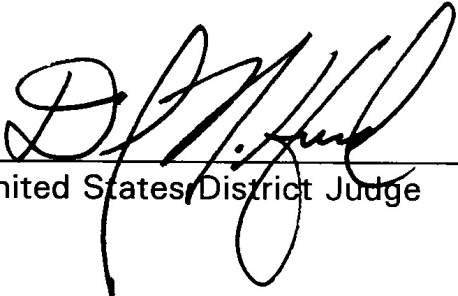
Therefore, it is

ORDERED that

The complaint is DISMISSED in its entirety.

The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

  
United States District Judge

Dated: February 28, 2019  
Utica, New York.